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5

6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF NEW JERSEY**

8
9 ALEXANDER HEALEY,
10 Plaintiff,
11 vs.
12 SYNCHRONY BANK,
13 Defendant.
14
15

Case No.:

**COMPLAINT AND DEMAND FOR
JURY TRIAL**

1. TCPA, 47 U.S.C. § 227

(Unlawful Debt Collection Practices)

16 **COMPLAINT AND DEMAND FOR JURY TRIAL**

17 Plaintiff, Alexander Healey (“Plaintiff”), through his attorneys, alleges the
18 following against Defendant, Synchrony Bank (“Defendant” or “Synchrony”):
19

20 **INTRODUCTION**

- 21 1. Count I of Plaintiff’s Complaint is based upon the Telephone Consumer
22 Protection Act (“TCPA”), 47 U.S.C. § 227. The TCPA is a federal statute that
23 broadly regulates the use of automated telephone equipment. Among other
24 things, the TCPA prohibits certain unsolicited marketing calls, restricts the use of
25

1 automatic dialers or prerecorded messages, and delegates rulemaking authority to
2 the Federal Communications Commission ("FCC").

3 **JURISDICTION AND VENUE**

4 2. Plaintiff resides in the State of New Jersey, and therefore, personal jurisdiction is
5 established.

6 3. Jurisdiction of the court arises under 28 U.S.C. § 1331 and 47 U.S.C. § 227.

7 4. Venue is proper pursuant to 28 U.S.C. 1391(b)(2) in that a substantial part of the
8 events or omissions giving rise to the claim occurred in this District.
9

10 **PARTIES**

11 5. Plaintiff is a natural person residing in Wharton, Morris County, New Jersey.

12 6. Defendant, Synchrony, is a banking corporation with its principle place of
13 business located in Stamford, Connecticut. Synchrony can be served at 170 West
14 Election Road, Suite 125, Draper, UT 84020.
15

16 7. Defendant acted through its agents, employees, officers, members, directors,
17 heirs, successors, assigns, principals, trustees, sureties, subrogees,
18 representatives, and insurers.
19

20 **FACTUAL ALLEGATIONS**

21 8. Defendant is attempting to collect an alleged debt from Plaintiff.

22 9. In or around August of 2016, Defendant began placing calls to Plaintiff's cellular
23 phone number (973) XXX-5691, in an attempt to collect an alleged debt.

24 10. The calls mainly originated from (866) 771-1104. Upon information and belief,
25 this number is owned or operated by Defendant.

1 11. On or about August 1, 2016, at 12:24 p.m., Plaintiff answered a call from
2 Defendant originating from (866) 771-1104. Plaintiff heard a pause before a
3 Synchrony Representative began to speak.

4 12. Defendant's representative informed Plaintiff that it was attempting to collect a
5 debt.

6 13. During that call, Plaintiff asked Defendant to stop calling him. Despite his
7 request, Plaintiff continued to receive calls to his cellular phone
8

9 14. On August 7, 2016, Plaintiff received five phone calls from Defendant; at 8:10
10 a.m., 9:34 a.m., 11:54 a.m., 2:09 p.m., and 4:47 p.m.

11 15. Plaintiff continued to receive incessant phone calls from Defendant throughout
12 the month of August. Plaintiff received calls almost every day, sometimes up to
13 five calls per day.
14

15 16. Defendant called Plaintiff approximately one-hundred and five (105) times
16 between August 1 and August 31, 2016.

17 17. The calls continued into September as Mr. Healey received at least three calls
18 every day between September 1 and September 16, 2016.

19 18. In total, Between August 1, 2016 and September 16, 2016, Synchrony called Mr.
20 Healey's cellular phone approximately one-hundred and seventy (170) times.
21

22 19. That is nearly four calls a day over a seven week period.

23 20. The conduct was not only willful, but was done with the intention of causing
24 Plaintiff such distress, so as to induce him to pay the debt.
25

1 21. As a result of Defendant's conduct, Plaintiff has sustained actual damages
2 including but not limited to, embarrassment, emotional and mental pain and
3 anguish.

4 **COUNT I**

5 **(Violations of the TCPA, 47 U.S.C. § 227)**

6 22. Plaintiff incorporates by reference all of the above paragraphs of this Complaint
7 as though fully stated herein.

8 23. Defendant violated the TCPA. Defendant's violations include, but are not
9 limited to the following:
10

11 a. Within four years prior to the filing of this action, on multiple occasions,
12 Defendant violated TCPA 47 U.S.C. § 227 (b)(1)(A)(iii) which states in
13 pertinent part, "It shall be unlawful for any person within the United
14 States . . . to make any call (other than a call made for emergency
15 purposes or made with the prior express consent of the called party) using
16 any automatic telephone dialing system or an artificial or prerecorded
17 voice — to any telephone number assigned to a . . . cellular telephone
18 service . . . or any service for which the called party is charged for the call.
19

20 b. Within four years prior to the filing of this action, on multiple occasions,
21 Defendant willfully and/or knowingly contacted Plaintiff at Plaintiff's
22 cellular telephone using an artificial prerecorded voice or an automatic
23 telephone dialing system and as such, Defendant knowing and/or willfully
24 violated the TCPA.
25

1 24. As a result of Defendant's violations of 47 U.S.C. § 227, Plaintiff is entitled to an
2 award of five hundred dollars (\$500.00) in statutory damages, for each and every
3 violation, pursuant to 47 U.S.C. § 227(b)(3)(B). If the Court finds that Defendant
4 knowingly and/or willfully violated the TCPA, Plaintiff is entitled to an award of
5 one thousand five hundred dollars (\$1,500.00), for each and every violation
6 pursuant to 47 U.S.C. § 227(b)(3)(B) and 47 U.S.C. § 227(b)(3)(C).
7

8 **PRAYER FOR RELIEF**

9 **WHEREFORE**, Plaintiff, Alexander Healey, respectfully requests judgment be
10 entered against Defendant, Synchrony Bank, for the following:

11 A. Declaratory judgment that Defendant violated the TDCPA;

12 B. Statutory damages pursuant to 47 U.S.C. § 227(b)(3)(B) and 47 U.S.C. §
13 227(b)(3)(C);
14

15 C. Awarding Plaintiff any pre-judgment and post-judgment interest as may
16 be allowed under the law; and

17 D. Any other relief that this Honorable Court deems appropriate.
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19 //

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21 //

RESPECTFULLY SUBMITTED,

Dated: June 20, 2017

By: /s/ Alla Gulchina
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